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MAIL STOP PETITIONS
PATENT
3003-1015

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of:

Jeremy MARSHALL et al.

Confirmation No. 8351

Serial No. 09/622,159

Attn: Office of Petitions

Filed September 25, 2000

MEDICAL INJECTION DEVICES

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 CFR §1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 3, 2003

Sir:

A Request for Continued Examination (RCE) was filed on June 20, 2003 pursuant to 37 CFR §1.114 in response to the Official Action of December 20, 2002. A copy of the transmittal letter filed on June 20, 2003 and requesting the RCE accompanies this Petition. Although the RCE included the necessary 37 CFR §1.17(e) filing fee and the necessary extension of time fee required of a small entity, the RCE inadvertently failed to include the necessary submission set forth at 37 CFR §1.114(a). Consequently, the United States Patent and Trademark Office (USPTO) mailed out a Notice of Abandonment on July 24, 2003.

Petitioners hereby state that the entire delay in filing the required reply from the due date for the reply until

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the filing of a grantable Petition pursuant to 37 CFR §1.137(b) was unintentional.

The Commissioner is hereby authorized to charge Counsel's Deposit Account No. 25-0120 the requisite 37 CFR §1.17(m) petition fee of \$665 for a small entity under fee code 2453.

Accompanying this Petition is the required reply in the nature of an amendment responsive to the Official Action of December 20, 2002.

In view of the above, it is respectfully requested that the above-identified application, which unintentionally became abandoned, be revived under the provisions of 37 CFR §1.137(b).

Respectfully submitted,

YOUNG & THOMPSON

By



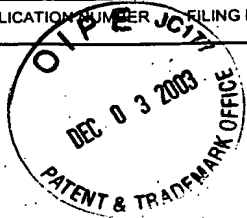
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745 South 23rd Street
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Telephone: 703/521-2297



APPLICATION NUMBER FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE



DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 6/20/03 is improper for reason(s) indicated below:

- C**
- O**
- P**
- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
 - ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
 - ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
 - ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
 - ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
 - ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
 - ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

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Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

_____, Examining Group _____

(703) 30 _____
FORM PTO-2051 (Rev. 3/2001)

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